

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

Case No: 05-4896

ZEMENCO, INC.,
a corporation

v.

DEVELOPERS DIVERSIFIED
REALTY CORPORATION,
a corporation

Zemenco, Inc.,

Appellant

On Appeal From the United States District Court
for the Western District of Pennsylvania
District Court No.: 03-cv-00175E
District Judge: The Honorable Sean J. McLaughlin

Argued October 24, 2006

Before: SMITH, FISHER, and COWEN, *Circuit Judges*

JUDGMENT

This cause came to be heard on the record from the United States District Court for the Western District of Pennsylvania and was argued on October 24, 2006. On consideration thereof, it is now ORDERED and ADJUDGED that the judgment of the District Court entered on October 14, 2005, be and the same hereby is AFFIRMED.

All of the above in accordance with the opinion of this Court.

ATTEST:

/s/Marcia M. Waldron
Clerk

Dated: November 9, 2006

The seal of the United States Court of Appeals for the Third Circuit is circular. It features an eagle with spread wings perched atop a shield. The shield is divided into sections, with a constellation of stars in the upper left. The words "UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT" are inscribed around the perimeter of the seal.
Certified as a true copy and issued in lieu
of a formal mandate on December 1, 2006
Teste: *Marcia M. Waldron*
Clerk, U.S. Court of Appeals for the Third Circuit